

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

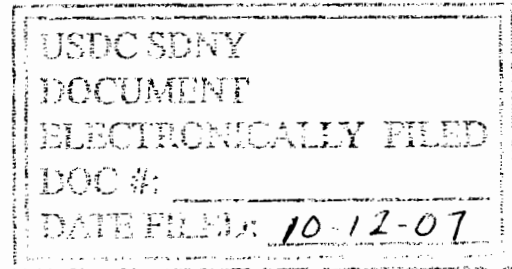
3COM CORPORATION,

Plaintiff,

-against-

**CAPITAL 4, INC., F. DAVIS
DAWSON, and ISH VILLA-LOBOS,**

Defendants.



Civ. No. 07-Civ.-8707 (JSR)

STIPULATED TEMPORARY RESTRAINING ORDER

IT IS HEREBY STIPULATED AND AGREED by the parties through their respective counsel, subject to the approval and Order of the Court, that the following Temporary Restraining Order shall be entered in accordance with Fed. R. Civ. P. 65. It is hereby ordered, adjudged and decreed that the defendants are ORDERED, ENJOINED and RESTRAINED as follows:

1. Capital 4, including its principals, officers, directors, employees, agents, servants, successors and assigns, are hereby ENJOINED and RESTRAINED from making defamatory statements concerning 3Com.
2. Capital 4, including its principals, officers, directors, employees, agents, servants, successors and assigns, are hereby ENJOINED and RESTRAINED from making unauthorized use of 3Com's name and/or trademarks. All further use of 3Com's name and/or trademarks are unauthorized without 3Com's express written approval.
3. Capital 4 is hereby ORDERED to use its best efforts to produce the following documents to 3Com's undersigned counsel's office by 5:00 p.m. on Monday, October 15, 2007. In the event that such production is not completed by 5:00 p.m. on Wednesday,

October 17, 2007 along with a representation that all responsive documents have been produced, then Capital 4 shall provide reasonable access to 3Com to identify for copying any remaining documents required under this provision:

- a. Copies of all Customer Service Agreements executed in connection with the Power of \$Zero Program dated after December 1, 2004. 3Com reserves the right to request Customer Service Agreements dated on or before December 1, 2004 during pretrial discovery;
- b. Copies of all documentation concerning each Power of \$Zero Customer Service Agreement executed on paper bearing the 3Com name which were not processed to completion through the 3Com portal, including but not limited to:
 - i. all third party Public Access Service provider contracts and related documents;
 - ii. all third party lending contracts and related documents; and
 - iii. all contracts with Value Added Resellers and related documents;
- c. Any and all assignments as requested by 3Com that may be required by Public Access Services providers to transfer from Capital 4 to 3Com control over the Public Access Services for customers who have executed Customer Service Agreements on paper bearing the 3Com name which were not processed to completion through the 3Com portal and which assert that 3Com is the obligor, including but not limited to the customers identified on Schedule B to Amendment 1 to the First Contract Addendum;
- d. A complete list of addresses to which Capital 4's September 25, 2007 "Important Notice" was transmitted.


4. Capital 4 is hereby ORDERED to produce, within 2 business days of 3Com's request, copies of any Public Access Service provider contracts and/or lending contracts and/or Value Added Reseller contracts identified by 3Com in conjunction with 3Com's review of documents related to the Power of \$Zero program provided such documents are related to Customer Service Agreements that mention 3Com.


5. Capital 4 is hereby ORDERED to redirect all Residual Payments from Lenders and/or Customers to 3Com for all Customer Service Agreements which assert that 3Com is the obligor.

6. F. Davis Dawson and/or Ish Villa-Lobos' defenses, including any and all defenses to personal jurisdiction in their individual capacities, are not waived and are otherwise expressly preserved.

7. All documents and materials produced in connection herewith shall not be used by 3Com except as contemplated by the agreements entered into between 3Com and Capital 4. Nothing contained herein is meant to indicate that either party admits it is bound by any such agreements in any other respect.

Dated: October 12, 2007
New York, New York


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*Counsel for Defendants Capital 4, Inc., F. Davis
Dawson and Ish Villa-Lobos*

This temporary restraining order shall remain in effect until November 2, 2007 at which time the Court will hear arguments on the preliminary injunction. at 3pm

SO ORDERED,


Hon. Jed S. Rakoff, U.S.D.J.

October 12, 2007

10:15 AM